

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Dov Levavi	Team: Team # 4	CCRB Case #: 201401533	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 02/16/2014 10:45 PM	Location of Incident: Jackson Avenue and East 152nd Street	Precinct: 40	18 Mo. SOL 8/16/2015	EO SOL 8/16/2015	
Date/Time CV Reported Tue, 02/18/2014 9:58 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 02/18/2014 9:58 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Kaisean Branche	04195	953702	PBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Andres Calle	18033	954593	PBBX
2. POF Melissa Castillo	12869	954615	PBBX
3. POM Christian Campoverde	17173	954599	PBBX
4. POM Emmanuel Ankamah	8965	954489	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.POM Kaisean Branche	Abuse: PO Kaisean Branche frisked § 87(2)(b)	
B.POM Kaisean Branche	Abuse: PO Kaisean Branche searched § 87(2)(b)	
C. Officers	Abuse: Officers searched § 87(2)(b) and individuals.	
D.POM Kaisean Branche	Abuse: PO Kaisean Branche searched the car in which § 87(2)(b) was an occupant.	
E. Officers	Abuse: Officers searched the car in which § 87(2)(b) was an occupant.	

Case Summary

At approximately 10:45 p.m. on February 16, 2014, § 87(2)(b) was driving on Jackson Avenue and East 152nd Street in the Bronx with his wife, § 87(2)(b) and two unidentified individuals when his vehicle was stopped by PO Melissa Castillo and he was issued a summons for window tints by PO Andres Calle (encl. c1). PO Christian Campoverde was also present. § 87(2)(b) alleged that once his vehicle was stopped, an officer identified by the investigation as PO Kaisean Branche frisked and searched him (**Allegations A and B**) while other unidentified officers searched the vehicle's remaining occupants (**Allegation C**). PO Branche and two unidentified officers then searched the inside of § 87(2)(b) car (**Allegations D and E**).

Mediation, Civil and Criminal Histories

Although § 87(2)(b) accepted mediation during his initial telephone statement, he stated when he appeared at the CCRB § 87(2)(g). As of October 27, 2014, the Office of the Comptroller found no Notice of Claim filed by § 87(2)(b) in regard to the incident (encl. e2).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- PO Branche has been a member of the NYPD for 1 year and has not been the subject of any prior CCRB allegations (encl. a1).
- This is the first CCRB complaint filed by § 87(2)(b) (encl. a2).

Finding and Recommendations

Subject Officer Identification

- § 87(2)(b) described the officer who frisked him, searched him and searched his vehicle as a tall, skinny black male in uniform with dark skin. He stated that he encountered this officer immediately after his vehicle was stopped by PO Castillo. The primary officers involved in this incident were Impact Response Team (IRT) officers assigned to foot posts. The PBBX IRT roll call (encl. d8-11) lists only two black males as being assigned to foot posts in the vicinity of the incident location at that time—PO Emmanuel Ankamah and PO Kaisean Branche. While both officers are taller than § 87(2)(b) and generally fit the description given, PO Branche was posted on East 151st Street between Jackson Avenue and Tinton Avenue, which is adjacent to PO Castillo's post and closer to the incident location than PO Ankamah's post on East 149th Street between Wales Avenue and Tinton Avenue. Furthermore, PO Ankamah's memo book (encl. c22-24) documents that he conducted a vertical patrol at another location from 10:40 p.m. to 11:04 p.m., which was during the incident, while PO Branche's memo book does not place him anywhere else. § 87(2)(g).
- § 87(2)(b) alleged that two officers aside from PO Branche also searched his vehicle. Although he could not identify or describe these two officers, § 87(2)(b) assumed that they were the two males who arrived during the incident in a marked police van. He did not explain his reasons for assuming this. § 87(2)(b) could only describe those officers as males with light-brown skin, and while he initially stated that the van arrived as soon as he was stopped, he later stated that it arrived only after he had been searched and taken to the rear of his vehicle. None of the officers interviewed about this incident recalled any additional officers being on scene aside from the foot posts already stationed there. Only PO Castillo is identified in the the radio communications from this incident (encl. d1). According to the PBBX IRT roll call (encl. d8-11), there were six Impact officers not assigned to foot posts, each of whom was assigned to one of four Impact supervisors. The memo books of Sgt. Angel

Dejesus, Sgt. Alberto Gonzalez and Sgt. Dwayne Watson (encl. c34-41) contained no entries regarding this incident. § 87(2)(g)

Recommendations

Allegation A – Abuse of Authority: PO Kaisean Branche frisked § 87(2)(b)

Allegation B – Abuse of Authority: PO Kaisean Branche searched § 87(2)(b)

Allegation D – Abuse of Authority: PO Kaisean Branche searched the car in which § 87(2)(b)
was an occupant.

It is undisputed that § 87(2)(b)'s vehicle was stopped by PO Castillo and PO Calle and that a summons was issued for tinted windows. § 87(2)(g)

§ 87(2)(b) The one individual in the front passenger's seat whose name he did provide, § 87(2)(b) did not respond to the CCRB's multiple contact attempts, so no statement from her could be obtained. § 87(2)(g)

PO Branche had no recollection of this incident or of being involved in a car stop at the time. PO Castillo, PO Calle, and PO Campoverde, all of whom documented the stop in their memo books, recalled only basic elements; they acknowledged that the vehicle was pulled over and a summons was issued, but no officer recalled other passengers being present, anyone being asked out of the vehicle, or any searches of individuals or the vehicle being conducted.

§ 87(2)(g)

Allegation C – Abuse of Authority: Officers searched § 87(2)(b) **and individuals.**

As noted above, § 87(2)(b) did not respond to any of the agency's contact attempts and § 87(2)(b) refused to provide any contact information for the individuals he stated were in the back seat. Their names were not documented in any memo books or Stop, Question and Frisk reports obtained by the investigation. Additionally, while he stated that he knew § 87(2)(b) and the others were searched, § 87(2)(b) could not confirm that he actually witnessed the searches be conducted, and could not describe observations that led him to believe they occurred. § 87(2)(g)

§ 87(2)(g)

Allegation E – Abuse of Authority: Officers searched the car in which § 87(2)(b) was an occupant.

As noted above, the two officers who allegedly arrived in a marked van and assisted PO Branche with the search of § 87(2)(b)'s car could not be identified. § 87(2)(g)

none of the officers known to be on scene recalled additional units arriving. § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date